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then sitting beside the whole, and would it possibly be voting against the whole? Or does the phrase "the British Empire" mean for the League of Nations only Great Britain and those portions of the Empire not otherwise represented in the League? But if our inquisitive neighbor goes farther he will find Mr. Lloyd George saying that while the instrument for the foreign policy of the Empire is the British Government with its foreign office, that Government and that office are now acting upon the general decisions arrived at with the common consent of the whole Empire. If so, does the British Empire speak in the League with one united voice through the delegates from Great Britain, but with several possibly discordant voices through the various Dominions?

Similar problems caused some searchings of heart in connection with the Washington Conference. Presumably acting upon the statement of Mr. Lloyd George above referred to, President Harding addressed his invitation to Great Britain. It was Great Britain that accepted, but it was more than Great Britain that attended. Canada, Australia, New Zealand and India were directly represented on the British delegation, while South Africa apparently asked that Mr. Balfour speak and sign for her. But while General Smuts takes the view that South Africa attended the Conference, by proxy, in her own right and standing on her own legs, Australia and New Zealand have expressly declared that they were represented not in their own right or as separate entities but as parts of an undivided Empire having but one voice and vote.

The situation is not made any clearer by the fact that while certain mandates have been given to the British Empire acting by Great Britain, others have been given to Australia and South Africa. His Britannic Majesty on behalf of the Government of Australia is directly responsible to the League for the administration of German New Guinea and certain other islands in the Pacific. Another mandate, given to "the British Empire" is administered jointly by Great Britain, Australia, and New Zealand, Australia supplying the administrator for the first five years.

Dr. Ellis, of course, can only hint at these various difficulties and leave their elaboration to others. His business is descriptive. He sets forth the recent changes in Dominion status leading up to the inclusion of the Dominions in the League. He then outlines the Covenant after showing its relation to past attempts to secure world peace. In this connection we note that in making the usual apology for the Holy Alliance he makes also the usual failure to mention its larger and elder brother, the Grand Alliance, which for seven years prosaically but quite definitely maintained peace in Europe at a time quite as troubled as the present, and which deserves some sort of recognition. Dr. Ellis writes in the straightforward personal style with which Sir John Seeley was wont to beguile us; and is to be congratulated upon a pamphlet as interesting as it is useful.

WARWICK CHIPMAN

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THE WASHINGTON CONFERENCE. By Raymond Leslie Buell. New York: D. Appleton & Company. 1922. pp. xiii, 461.

This book, in the reviewer's judgment, would have been twice as good if it were half as long. The text would have matched the title in that case. If the present text were printed under the caption, "What Japan Did to the Washington Conference," the reader would have at a glance the attitude taken by the author, who is one of the most promising of the younger publicists who pay attention to facts and aim to appeal to the general public.

Of the three or four books on the Washington Conference this one is entitled to the most serious consideration. Mr. Buell is well aware that the mere holding of a conference at Washington neither ushered in a millennium nor created a new heaven, much less a new earth; and he is not at all backward in giving the specifications of his observation. His perspective on the "success" of the conference is accurate enough for any devotee of *real politik*, if it is not unneutral to use the phrase. He writes seriously, presenting constantly a page crowded with facts, and fills a quarter of his volume with the texts produced by the conference—or at least some of them—so that the captious reader can agree with them, if perchance he disagrees with the author.

Yet the book impresses the reviewer as being overwritten to a thesis that strictly does not belong to it. The first third of the text is devoted to an analysis of the political anatomy of Japan,—the heavy villain of the plot. By adding the last chapter, entirely given over to Japan, half the book is on that theme. Furthermore, the middle part of the volume is keyed to the Japanese tune.

Mr. Buell undoubtedly honestly believes that Japanese militarism and imperialism are paramount dangers to peace, and he has a conviction that the leopard can not change its spots and, conversely, that spots do not change a leopard. Nevertheless, it is hard to accept the conclusion that Mr. Buell is drawing an accurate picture of the Washington Conference when he throws those considerations into as high relief as he does. It might even be suspected that some of the manuscript was in hand previously, and the author took leave of his publisher to print while the printing was good. At any rate, it is a fact that the best books are made not with the pen but with the blue pencil.

The concentration upon Japan has perhaps encouraged a fault which the new publicist is almost certain to develop, the assignment of very complicated reasons for international decisions. Mostly the publicist has both more brains and more knowledge than the public official; certainly more than the official is permitted to exercise in his position of responsibility. If half of the reasoning set forth by Mr. Buell in his Chapter VI on the four-power treaty was actually done by the conference delegates, they ought to be given permanent negotiating jobs. Earlier, he points out that the Anglo-Japanese alliance had been denatured by British initiative before the conference met, and he states that from the American point of view "the success of the Washington Conference depended on the cancellation of this agreement." The problem at Washington was simply to substitute something for the alliance that would get by the United States Senate. Mr. Buell states this, with much else, including the inept way the object was accomplished, requiring one set of reservations and a new treaty to get the agreement straight in the end.

The same criticism does not apply to Mr. Buell's analysis of the effect or lack of effect of the conference results. If he assigns too many reasons to account for things being done, he is entirely within his province as a political scientist when he puts his microscope upon what was done. His criticism is trenchant, penetrating and good tempered, and withal he shows himself aware, respecting the conference results, that most of the things one can think of do not happen. He is not, therefore, pessimistic, and recognizes that the conference advanced most of the things it touched. He knows and tells what it might have done, and lays some stress on what it should have done. It seems to the reviewer, that in judging the results for China, his yardstick is China's hopes rather than China's practical expectations. Take the matter of the Chinese tariff, which the Chinese desired raised to 12½ per cent. effective. The conference made it 5 per cent. effective, with a surtax and an additional 5 per cent. on luxuries. Mr. Buell

finds this very bad; but it is nevertheless as well as the United States was willing to do by China in bipartite negotiations in the treaty of October 20, 1920.

*The Washington Conference* fails to give any indication of the popular interest and expectations that the American initiative in calling the gathering inspired. A true history of it could not relegate to a few footnotes the statistics of the letters from American citizens on a few items of its agenda. Nor does the book adequately inform the reader how the conference advanced the subjects it dealt with. After all, that is more important than what it left undone or untouched, because the place of the conference in history will be defined by the steps it took rather than by those it did not take.

This failure to compare with the past, for which is substituted an inconsistent comparison with the ideal, leaves the reader without proper standards of appraisal of the conference. Coupled with an over-emphasis on the multifarious menace of Japan, this omission gives the impression that the book is an argument much more than an unbiased account of what was beyond question a notable event.

DENYS P. MYERS.

FUNDAMENTALS OF PROCEDURE IN ACTIONS AT LAW. By Austin Wakeman Scott. New York: Baker, Voorhis & Co. 1922. pp. xvii, 172.

A comprehensive and critical study of those essential principles which serve as the groundwork of the system of procedure employed in actions at law has been a great *desideratum* in America for a hundred years. In no field of the law has there been more variety of legislation than in procedure, and in none has the effort to improve produced such disappointing results. Undoubtedly this is due to the lack of any clear analysis of the principles which lie at the foundation of remedial law. The reformers of procedure have been opportunists, striking here and there at obvious abuses, but they have never been able to see the subject as a whole and have therefore failed to find a sound philosophical basis for the development of an adequate system. Nowhere has it been more difficult to distinguish between fundamental principles and incidental rules.

The title of Professor Scott's book raises the hope that at last a scholarly, analytical study of this elusive, complex and immensely important field has made its belated appearance. But the title is misleading, and the reader finds that he has before him a collection of essays in the general subject of procedure rather than a systematic and comprehensive examination of underlying principles.

The five essays, each of which makes up a chapter of the book, are all interesting but are substantially unrelated and are quite different in their character and purpose. The first two and the fourth are close studies of very narrow subjects; the third and fifth are elementary sketches of very broad subjects. The first group seems designed for lawyers, the second for students. Professor Scott has, however, rendered all the chapters conveniently accessible to students by annotating them fully with references to his *Cases on Civil Procedure*, thus making the book available as collateral reading for classes using his case-book.

Chapter I is a vigorous brief on the absurdity of treating trespass to real property as a local action. Chapter II is a study of jurisdiction over non-residents doing business within a State, — a very important practical problem in the United States. Chapter IV is an investigation of the extent to which excessive and inadequate verdicts can be cured without new trials. In each of them the problem involved is clearly stated, the authorities are carefully assembled, and the status of the law is well presented.